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6 *AMTRUST NORTH AMERICA, INC. and*
7 *SECURITY NATIONAL INSURANCE COMPANY*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 WFTLV01, LLC, a Nevada limited liability
11 company; WFTLV02, LLC, a Nevada limited
12 liability company; WFTLV03, LLC, a Nevada
13 limited liability company; WFTLV04, LLC, a
14 Nevada limited liability company; and
15 WFTLV05, LLC, a Nevada limited liability
16 company,

17 Plaintiffs,

18 vs.

19 AMTRUST NORTH AMERICA, INC., a
20 Delaware corporation; SECURITY
21 NATIONAL INSURANCE COMPANY, a
22 Delaware corporation

23 Defendants.

Case No. 2:20-cv-01845-JCM-BNW

**AMENDED STIPULATION AND ORDER
TO EXTEND TIME TO RESPOND TO
COMPLAINT**

[First Request]

24 IT IS STIPULATED by and between all Plaintiffs and all Defendants, through their
25 respective counsel, and pursuant to LR IA 6-1 and LR 7-1, that the time for Defendants to respond
26 to Plaintiffs' Complaint (ECF No. 1-2) may be extended to October 30, 2020. The parties agree
27 and respectfully submit that good cause exists for this stipulation based on the following:

1 1. Plaintiffs filed their Complaint in Clark County District Court on August 17, 2020.
2 (ECF No. 1-2).

3 2. Defendant AmTrust North America, Inc. (“AmTrust”) was served through its
4 registered agent on September 2, 2020. (ECF No. 1-3).

5 3. On September 16, 2020, defense counsel advised Plaintiffs’ counsel of their
6 representation. Since that time, the parties have been actively working to informally resolve
7 various proper party and pleading issues, as further detailed below, in order to narrow the issues in
8 this litigation and reduce the necessity of motion work relating to these issues. To facilitate this
9 dialogue, Plaintiffs agreed to provide Amtrust and defendant Security National Insurance
10 Company (“Security National”) with an extension to October 21, 2020 to respond to the
11 Complaint (though Security National had not yet been served).

12 4. On September 22, 2020, defense counsel conferred with Plaintiffs’ counsel about
13 dismissing AmTrust without prejudice from the action because AmTrust did not issue the subject
14 insurance policy.

15 5. On September 30, 2020, Security National was served through the Nevada Division
16 of Insurance. Pursuant to this service, Security National has 30 days, or until October 30, 2020, to
17 respond to Plaintiffs’ Complaint.

18 6. Defendants filed their Notice of Removal of Action on October 2, 2020. (ECF No.
19 1).

20 7. On October 6, 2020, in the interest of facilitating the continuing discussions about
21 the proper parties to the case, and to provide defense counsel with additional time to confer with
22 Defendants regarding the subject claim, the parties filed their Stipulation and Order to Extend
23 Time to Respond to Complaint (the “First Stipulation to Extend”). (ECF No. 7).

1 8. Pursuant to the parties' continuing discussions, Plaintiffs agreed to dismiss
2 AmTrust without prejudice, subject to defense counsel's agreement to accept service of a
3 subpoena, should it become necessary. These terms are memorialized in the parties pending
4 Stipulation and Order to Dismiss Defendant AmTrust North America, Inc. Without Prejudice,
5 which was filed on October 14, 2020. (ECF No. 8)

6 9. Later on October 14, 2020, the court issued its minute order in chambers denying
7 the parties' First Stipulation to Extend because the parties did not set forth good cause for the
8 extension as required by LR IA 6-1. (ECF No. 9).

9 10. The parties remain engaged in further discussions regarding the proper parties to
10 the case. Specifically, the parties are conferring as to whether plaintiffs WFTLV02, LLC,
11 WFTLV03, LLC, WFTLV04, LLC and WFTLV05, LLC may be dismissed. This dialogue
12 remains ongoing. Accordingly, good cause exists for the parties' stipulation to permit additional
13 time to continue this dialogue, with the goal of either eliminating additional parties from the case
14 or narrowing the issues in dispute.

15 11. The stipulated response date, October 30, 2020, *is the actual response date* for the
16 only remaining Defendant, Security National, based on formal service through the Nevada
17 Division of Insurance (as detailed in Paragraph 5 above).

12. The parties further agree that this stipulated extension of time does not operate as any admission or waiver of any claim or defense by Plaintiffs or Defendants.

DATED this 16th day of October, 2020.

DATED this 16th day of October, 2020.

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/s/ Jeffrey D. Olster

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: October 20, 2020.